

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Emmanuel THIERSAINT,

Plaintiff,

v.

DEPARTMENT OF HOMELAND
SECURITY, et al.,

Defendants.

Case No. 1:18-cv-12406-DJC

ORAL ARGUMENT REQUESTED

Date: April 12, 2021

PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT
AGAINST DEFENDANT UNITED STATES

Pursuant to Fed. R. Civ. P. 56 and Local Rule 56.1, Plaintiff Emmanuel Thiersaint, through his attorneys, moves this Court to issue partial summary judgment against Defendant the United States on Count 22 of the Complaint, ECF 1, under the Federal Tort Claims Act (FTCA) based on negligent acts by employees of the United States in Florida. As set forth in the accompanying Memorandum of Law and Statement of Undisputed Facts, U.S. Immigration & Customs Enforcement (ICE) employees in Florida repeatedly transported Mr. Thiersaint without appropriate accommodations, offering no accessible method for Mr. Thiersaint to embark or disembark from aircraft and vehicles, and placed him in medical segregation on the basis of his disability, requiring him to remain in his cell for 20 hours per day. By doing so, they breached their duty to transport and house Mr. Thiersaint in a safe and secure manner, causing him physical and emotional injury. Because their failures constitute negligence under Florida law, Mr. Thiersaint moves for summary judgment as a matter of law on Count 22 under the FTCA. Mr. Thiersaint reserves the issue of damages for trial.

WHEREFORE, Plaintiff respectfully requests that the Court issue an order entering partial summary judgment against the United States on Count 22 of his Complaint and granting any further relief the Court deems appropriate.

REQUEST FOR ORAL ARGUMENT

Plaintiff respectfully requests that this Court hear oral argument on this Motion, as oral argument will aid the Court in understanding the issues presented and their significance to this litigation.

LOCAL RULE 7.1(a)(2) CERTIFICATION

Undersigned counsel certifies that the parties met and conferred regarding the substance of this Motion in an attempt to narrow the issues.

Date: April 12, 2021

/s/ Elizabeth A. DiMarco

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[†] This motion has been prepared by a clinic operated by Yale Law School but does not purport to present the school's institutional views, if any.

CERTIFICATE OF SERVICE

I hereby certify that, on April 12, 2021, a copy of the foregoing document was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by email to all parties by operation of this court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the court's CM/ECF system.

Date: April 12, 2021

Respectfully submitted,

/s/ Muneer I. Ahmad

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